

Chapter 5.59

LIQUIDATION-TYPE SALES

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5.59.010 Liquidation-type sales— Definitions.

A. “Publish,” “publishing,” “advertisement” and “advertising” mean any and all means of conveying to the public notice of sale, or notice of intention to conduct a sale.

B. “Sale” means:

1. Any sale of or any offer to sell to the public or any group goods, wares or merchandise on order, in transit, or in stock, in connection with a declared purpose, as set forth by advertising that such sale is anticipatory to or for the purpose of termination, liquidation, revision, windup, anticipatory removal, dissolution or abandonment of the business or that portion of the business conducted at any location; and

2. All sales advertised in any manner calculated to convey to the public the belief that upon the disposal of the goods to be placed on sale, the business or that portion thereof being

conducted at any location will cease, be removed, interrupted, discontinued, or changed; and

3. All sales advertised to be “adjustor’s sale,” “assignee’s sale,” “administrator’s sale,” “going-out-of-business sale,” “insurance salvage sale,” “last days sale,” “lease expires sale,” “liquidation sale,” “reorganization sale,” “removal sale,” “quitting business sale,” “we quit sale,” “wholesale closing out sale,” “fixtures for sale,” or advertised by any other expression or characterization or phrase of similar language that would reasonably convey to the public that the sale is being conducted as a result of such occurrences as enumerated above, which are not intended to be all-inclusive but refer to type or class of sales.

5.59.020 License—Required.

It is unlawful to publish or conduct any sale, as defined in this chapter, without first obtaining a license to do so. This license shall be in addition to any other license which may be required by any other ordinances.

5.59.030 Exemptions from chapter provisions.

The following persons shall be exempt from the scope and operation of this chapter:

A. Persons acting pursuant to an order or process of a court of competent jurisdiction; or

B. Persons acting in accordance with their powers and duties as public officers, such as police officers.

5.59.040 License—Fee.

The fee for the license required by section 5.48.120 shall be as specified in the fee schedule adopted pursuant to section 5.06.050.

5.59.050 License—Issuance—Year in business required when.

No person, company or corporation shall be eligible for a license, nor shall a license be issued to any person, company or corporation

unless they shall have been previously licensed to do business at the same location of such closing sale for the 365-day period preceding the beginning of the sale, except in those instances where a *bona fide* hardship would be created, and in such instances proof must be furnished to the license official that:

A. Such hardship exists; and

B. At the conclusion of such closing sale all and any business transactions of that particular applicant will completely and permanently cease and desist.

5.59.060 License—Issuance—Conditions and term.

Upon the filing of an application and a finding by the license official, after investigation, that the statements contained therein appear to be true and are not false, fraudulent, deceptive or misleading in any respect, a license shall be issued for a period not exceeding 30 days, upon the payment of the fee prescribed in this chapter.

5.59.070 License—Display requirements.

Upon the commencement of any sale, and for the duration thereof, the license therefore shall be conspicuously displayed near the entrance to the premises.

5.59.080 License—Renewal.

Upon satisfactory proof by the licensee that the stock itemized in the original application has not been entirely disposed of, the license official shall renew such license for a period of not to exceed 30 days. In no event shall a license be renewed more than twice. For each renewal a fee of \$50 shall be collected.

5.59.090 License—Revocation conditions.

A license granted pursuant to this chapter may be revoked by the license official if:

A. The licensee has failed to include in the inventory required by the provisions of this chapter the goods, wares and merchan-

dise, or any part thereof, required to be contained in such inventory;

B. The licensee has added, caused to be added, or permitted to be added any goods, wares or merchandise not described in the original inventory; or

C. The licensee has violated any of the provisions of this chapter or of the laws pertaining to advertising.

5.59.100 Rules and regulations for conduct and advertising.

The license official may make such rules and regulations for the conduct and advertisement of the sales defined in this chapter as may be necessary to carry out the purposes thereof. Such rules and regulations must be submitted to, and be approved by, the manager.

5.59.110 Recordkeeping requirements.

The licensee shall keep suitable books and records and make them available at all times to the license official.

5.59.120 Mingling of goods prohibited.

No person contemplating conducting any sale, as defined in this chapter, or during the continuance of such sale, shall order any goods, wares or merchandise for the purpose of selling them at such sale. Any unusual purchase or addition to the stock of such goods, wares or merchandise within 60 days before the filing of such application for a license to conduct such sale shall be presumptive evidence that such purchase or addition was made in contemplation of such sale and for the purpose of selling it at such sale.

5.59.130 Unlawful sales—Each sale a separate offense.

Each sale made without a license, and each sale of goods, wares or merchandise that is not inventoried and described in the original application shall constitute a separate offense under this section.